IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTEENTH DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

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WRIT PETITION NO : 18083 of 2005

Between:

1 Smt. A. Aruna Reddy W/o Late A. Laxma Reddy
Plot No. 95, Jawahar nagar, Moulali, Hyderabad
2 Smt. Pushpalatha W/o P. narasimha Reddy
Plot No. 5 B, Jawahar nagar, Moulali, Hyderabad
3 Sri P. Chandra Sekharam S/o
Plot No. 78, Jawahar nagar, Moulali, Hyderabad
4 Sri Ch. Srinivas Reddy S/o Late Surya Bhaskar Reddy
Plot No. 295, Jawahar nagar, Moulali, Hyderabad

..... PETITIONERS

AND

1. The Deputy Registrar/Divisional Cooperative, Officer,

Hyderabad (West) Division, Ranga Reddy District,
Block M-3, Ground Floor, Manoranjan Complex, APHB, MJ

Road, Hyderabad
2 The Jawaharnagar Cooperative Housing Society LTd., TB No.

740 Moulali Hyderabad rep by
PIC Designate U/s 32(7)(a) of APCS aCt of 7 of 1964

.....RESPONDENTS

ORDER:

The writ petition is misconceived. The petitioners were elected members of the Managing Committee of the Jawaharnagar Co-operative Housing Society Limited, Moulali, Hyderabad.

The first respondent issued a show cause notice on 06.06.2005 to the members of the Managing Committee of the second respondent society, including the petitioners, informing them that no general body meeting was conducted for the second half of the year 2003-2004 and during the years 2004-2005 and thus, there was a transgression of the statutory mandate of Section 32 of the A.P. Co-operative Societies Act, 1964 (hereinafter referred to as "the Act") and called upon the petitioners to show cause why action should not be initiated against the Managing Committee under Section 32(1) of the Act. The petitioners submitted their explanation and the first respondent passed the impugned order, dated 27.07.2005, recording that the petitioners and the other members of the Managing Committee have ceased to hold office on the next day after the first day on which the general body meeting has been held i.e. 01.04.2004. The reasons recorded by the first respondent in the order, dated 27.07.2005, is that no explanation was forthcoming from the respondents and other members of the Managing Committee for non-conduct of the general body meetings for the second half of the year 2003-2004 and 2004-2005. The first respondent recorded that the general body meeting said to have been conducted on 10.04.2005 falls within the first half of the year 2004-2005. Therefore, it is clearly established from the explanation itself that the general body meetings due to be conducted for the second half of the year 2003-2004 and 2004-2005 were not conducted and thus the Managing committee incurred cessation of office by 01.04.2004.

Sri D.V.Bhadram, the learned counsel for the petitioners would strenuously contend that the show cause notice issued by the first respondent, dated 06.06.2005, does

not clearly and explicitly disclose that the Managing committee would be declared to have ceased to hold office on application of provisions of
Section 32(1)(A) of the Act. This is the only infirmity pointed out.
Section 32(1)(A) of the Act ordains that if the General Body Meeting is not convened in accordance with the Sub-section (1), the members of the Committee shall cease to hold office on the day next after the 1st day on which the general meeting should have been held. Sub Section (1) of Section 32 requires the Managing Committee, *inter alia* to call not less than two general meetings of a society in a co-operative year. Provided further that one meeting shall be held in each half of the year.

Demonstrably and indisputably the petitioners and the managing committee of the second respondent society transgressed this legislative mandate and for this incurred a disqualification specified under Section 32(1)(A) of the Act, the notice of the first respondent dated 06.06.2005 spells out in sufficient detail that the petitioners have transgressed the provisions and have incurred the legislative sanctions under Section 32 of the Act.

In a considered view of this Court, the show cause notice issued by the first respondent is adequate and satisfies the principles of natural justice. The plea of the petitioners is hyper-technical and does not commend acceptance by this Court.

There are no merits. The Writ petition is dismissed at the stage of admission after hearing the learned Government Pleader for Cooperation also. But in the circumstances no order as to costs.

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17-08-2005

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